

REMARKS

Reconsideration of the Application respectfully is requested. For the reasons indicated hereafter, the Application is urged to be in condition for allowance.

As requested by the Examiner in the Official Action, additional botanical information concerning the 'BAInder' variety has been diligently sought and is provided in the Substitute Specification to the extent available. It respectfully is submitted that those skilled in plant science will have no difficulty in identifying plants of the 'BAInder' variety in view of Applicants' detailed Specification and photographs. The withdrawal of the rejection under 35 U.S.C. §112 is urged to be in order and is respectfully requested.

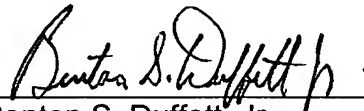
If there is any remaining point that requires clarification prior to allowance, the Examiner is urged to telephone the undersigned attorney so that the matter can be discussed and resolved.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: October 13, 2004

By: _____



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